HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 2520 of 2007

PETITIONER : Kanchan, S/o Late Etwari, Aged about 65 years, Caste Gond, R/o Village Khusrupali, Post Khusrupali, Thana Tumgaon, Tehsil & District Mahasamund, (Chhattisgarh)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh Through the Secretary, Department of Revenue, D.K.S. Bhawan, Mantralaya Raipur, (C.G.)
2. The Collector, District Mahasamund, (C.G.)
3. Additional Tehsildar, Bagbahara, District Mahasamund, C.G.
4. Naib Tehsildar, Bagbahara, District Mahasamund, C.G.
5. Gram Panchayat Khusrupali, through Sarpanch, Gram Panchayat Khusrupali, Tehsil Bagbahara, District Mahasamund C.G.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Mr. J.K.Gupta, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the State / respondent no. 1 to 4.

ORDER

(Passed on 25th day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the property in dispute situated at village Khusrupali, bearing Khasra No. 238, Area 0.03 Hectare, Patwari Circle No. 70, Revenue Circle Khallari, District Mahasamund, has been demolished without

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verifying the fact as to whether the petitioner is the legal owner of the said property or not.

2. It appears that the Gram Panchayat Khusrupali has taken action against the petitioner on the ground that the land was the village Panchayat land and the petitioner has made encroachment.

3. Be that as it may. So far as the title of the land is concerned, it cannot be decided by this Court, as it requires recording of evidence and examination of documents. The same can be done by other forum. This petition is not maintainable at this stage. Thus, it is accordingly dismissed.

4. However, liberty is reserved to the petitioner to take recourse to appropriate forum for proper relief. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit